

DEQ
WATER DIVISION
POLICY AND PROCEDURES

NUMBER: WD-03-021
SUBJECT: INTERNET POSTING OF WATER WELL DRILLING CONTRACTOR ADMINISTRATIVE
ENFORCEMENT ACTIONS
EFFECTIVE DATE: JANUARY 15, 2004 PAGE: 1 OF 3

ISSUE:

Providing the public with Internet access to the results of Department of Environmental Quality (DEQ) administrative enforcement actions will improve customer service and promote compliance with the Michigan Water Well Construction and Pump Installation Code, adopted under Section 12714, Part 127, Water Supply and Sewer Systems, of the Public Health Code, 1978 PA 368, as amended (Code).

The posting of administrative actions intended to revoke or suspend a contractors Water Well Drilling Contractor or Pump Installer Certificate of Registration will (1) assist consumers by making them aware of the contractors that have been involved in state administrative enforcement actions, (2) increase consumer awareness of DEQ's investigative and regulatory efforts toward the protection of public health and groundwater resources, (3) deter future Code violations, and (4) help maintain contractor registration program integrity.

AUTHORITY:

Publication and public availability of final orders or decisions in contested cases and the records upon which they were made are required by Section 15.241 of the Michigan Freedom of Information Act, 1976 PA 442, as amended.

POLICY:

The DEQ, Water Division (WD), Well Construction Unit (WCU), will use its Internet Web site to post the results of administrative actions. The posting will enable local health departments, suppliers, water well drilling contractors, and the public to have access to administrative action results and the nature of the associated Code violations. All actions resulting from the issuance of a Notice of Intent to Revoke Certificate of Registration, Deny Renewal of Certificate of Registration, and Notice of Informal Opportunity to Show Compliance with Statutory and Regulatory Requirements (NOI) will be posted within 90 days of resolution.

The WCU Web site will also post the results of criminal prosecutions involving water well drilling contractors. The WCU shall obtain authorization from the DEQ, Office of Criminal Investigations, before posting the information.

The length of the term of Web site posting shall be as follows:

<u>Method of Resolution</u>	<u>Length of Posting</u>
Revocation of Certificate of Registration	5 years
Suspension of Certificate of Registration	2 years from date of reinstatement
Consent Agreement	2 years after consent agreement terms are satisfied
Criminal Prosecution	5 years

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The information on the Internet Web site posting will be as follows:

1. Contractor's name, business name, address, and registration number.
2. Date of resolution of action.
3. Nature of violations cited in the NOI (e.g., failure to grout, failure to submit water well record, etc.)
4. Regulation citation (e.g., R 325.1634).
5. Method of resolution (e.g., revocation, suspension, consent agreement, etc.).
6. Penalties and stipulations (amount of penalty, correction of violations, etc.)

The format for the Web site posting is shown in the attached Sample Internet Posting. Agreement to not publicize the results of an administrative action shall not be a term of settlement of an administrative action.

The online Directory of Michigan Registered Water Well Drilling Contractors on the WCU Web site will include a notice directing the public to the enforcement action Web page to check current registration status.

PROCEDURE:

Responsibility

Action

Well Construction Unit staff

1. Provide WD, Groundwater Section, Internet Web site coordinator with results of administrative actions upon their conclusion and follow up to see that posting is accurate.
2. Request termination of posting in accordance with posting periods established in this policy/procedure.

Well Construction Unit Chief

3. Obtain authorization from DEQ, Office of Criminal Investigations Chief, to post results of criminal investigations involving water well drilling industry personnel.
4. Monitor WCU Web site to ensure accuracy of posting.

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SAMPLE INTERNET POSTING

**WATER WELL DRILLING CONTRACTOR/PUMP INSTALLER
ADMINISTRATIVE ENFORCEMENT ACTIONS**

Below is a listing of administrative enforcement actions initiated by the Michigan Department of Environmental Quality to revoke or suspend a water well drilling contractor or pump installer certificate of registration. The actions are authorized under Part 127, Water Supply and Sewer Systems, of the Public Health Code, 1978 PA 368, as amended, and the associated administrative rules (Michigan Water Well Construction and Pump Installation [Code]). The actions were taken because of serious and/or repetitive violations of the Code.

<u>Name/Business/Address</u>	<u>Registration No.</u>	<u>Type of Violation</u>	<u>Outcome</u>
James Smith/ABC Well Drilling 100 Capitol Avenue Lansing, MI 48909	WD#33-1234	R 325.1634 Failure to grout wells	WD Certificate revoked \$10,000 penalty

Date action completed – 12-5-03

Ryan Badboy/XYZ Drilling Co. P.O. Box 201A Mt. Pleasant, MI 49712	WD#74-0222	MCL 333.12707 Failure to submit well records	Consent agreement- Certificate retained- \$2,500 penalty
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Date action completed – 6-21-03

APPROVED: _____

Richard A. Powers, Chief
Water Division

DATE: _____

11/15/04